

RECEIVED
CENTRAL FAX CENTER

JUL 05 2006 SN 10/807,021
P-2528

R E M A R K S

Reconsideration of the application is requested. Claims 1 and 3 through 20 are now the claims in the application.

Claims 13 and 14 are withdrawn from further consideration as being directed to non-elected subject matter pursuant to the Examiner's restriction requirement noted in the Office Action dated December 14, 2005.

Claims 1 and 4 through 6, 9, 10, and 15 have been amended in an effort to more particularly define Applicant's invention over the applied references.

Claim 20 is a newly presented claim directed to the elected subject matter.

Claim 2 has been cancelled.

It is noted that the Examiner has rejected Claims 1 through 12 and 15 through 19 as originally presented under 35 USC 102(b) as being fully anticipated by U.S. Patent 3,143,757 issued to Quinn.

In reviewing the Quinn patent, it is apparent that this reference does not remotely suggest, disclose or infer the claimed subject matter, as more particularly set forth in the claims now retained in the application. Clearly, the Quinn reference does not anticipate Applicant's claimed subject matter under 35 USC 102(b).

SN 10/807,021
P-2528

The claims currently being submitted and as amended herein are directed to a door assembly in which a door closer, as specifically defined in the claims, is disposed within a chamber that is formed within the thickness of the door so as to be wholly concealed within the door in the closed and opened position thereof.

Contrary to the Examiner's interpretation of Quinn, it is to be noted that the closer assembly 10 of Quinn is not concealed within the width of the associated door. The closer of Quinn is disposed in the space formed between an inner door 5 and an outer door 7. Clearly, the closer assembly 10 of Quinn is not located within the chamber disposed within the thickness of any door structure. Reference is made to Col. 1, lines 67 to 71 and top of Col. 2, lines 1 through 3, wherein the patentee Quinn expressly states that element 5 constitutes an inner door which is hingedly connected to frame member 4 and that reference numeral 7 comprises an outer door hingedly connected to frame member 4 wherein the closer assembly 10 is located in the space defined between the inner and outer door. More specifically, the closer assembly 12 is connected between the wall frame 4 and is connected or supported on the inner surface of the outer door 7 between supporting brackets 28 and 15. Therefore, contrary to the Examiner's conclusion, the closer assembly of Quinn is not

SN 10/807,021
P-2528

disposed within a chamber formed within the thickness of the door, as indicated in the Examiner's rejection predicated under 35 USC 102(b).

It is also submitted that Quinn does not suggest or teach that the cylinder and piston of the door closer 10, as disclosed in Quinn, are rendered relatively rotatable to one another. As it is clearly illustrated and described, Quinn expressly states in Column 2, lines 7 through 10, that the cylinder wall 12 of the closer assembly 10 is rigidly connected to end wall 13 so as to provide a closed fluid tight inner end for the outer cylinder 10, which is adapted to be pivotally secured to the outer door 7 by means of a bracket 15 that is screwed or otherwise secured to the surface of the door. At the top of Column 3, lines 4 through 7, the patentee Quinn expressly states that as shown in Fig. 2, the extreme end portion 36 of the piston rod 34 is embedded in the outer end wall forming member 13 of the outer cylinder 10 and is anchored therein against movement relative thereto. (Emphasis added). Therefore, since both the cylinder 10 and the piston rod 34 are rigidly anchored or secured to the end piece 13, it is submitted that it would be impossible for any relative rotation movement can be had between the piston or piston rod and the cylinder relative to each other.

It is therefore submitted that the reference to Quinn does

SN 10/807,021
P-2528

not constitute a valid reference so as to anticipate Claims 1 and 3 through 20 as defined and retained herein.

It has been well established that in order to formulate a rejection under 35 USC 102(b), it is imperative that the reference relied upon for anticipation must clearly disclose each and every element of an applicant's claim. See *Karsten Mfg. Corp. v. Cleveland Golf Co.*, 58 USPQ 2d 1286, 1291 (Fed Cir 2001). Since Quinn does not disclose each and every feature, as now defined in the claims submitted herein, it is submitted that a rejection under 35 USC 102(b) in view of Quinn is unwarranted.

With respect to the Examiner's 35 USC 102(b) rejection directed to Claims 5, 6 and 7, it is submitted that the supporting bracket 15 and end wall 13 and cup-like portion 16 of Quinn are incapable of rotatably supporting the cylinder within a door chamber so as to effect any relative rotation between the piston or associated piston rod and the cylinder for the reasons hereinabove stated.

With respect to the Examiner's application of Quinn to Claims 4, 8, 10, 16, 18 and 19, it is submitted that element 27 of Quinn is not an interlocking link comparable to Applicant's claimed interconnecting link. Element 27, as defined by Quinn in Column 2, lines 37 through 44, is defined as a lug 27 connected to the outer end of the wall forming member 22 which may be

SN 10/807,021
P-2528

considered analogous to Applicant's bracket 31, which is connected to the end of the cylinder housing 23 for connection to bracket 27 by means of a pivot pin 29. Contrary to the Examiner's interpretation of Quinn, lug 27, as expressly described in Quinn, cannot be properly construed to be an interconnecting link in the manner contemplated by Applicant's claimed structure. It is therefore submitted that Quinn does not anticipate the structure of the claims presented herein under 35 USC 102(b) for the reason that Quinn does not suggest, disclose or teach each of the recited elements of the claims as currently submitted herein.

The references to Anderson, Bruns and Tutikawa have been noted. However, it is not understood how these references can be applied so as to render Applicant's claimed structure to be anticipated and/or rendered obvious with respect thereto. The reference to Bruns does not suggest or disclose the claimed closer which is confined wholly within the thickness of the door, as contemplated in the claims submitted herein by the Applicant.

Also, both Tutikawa and Anderson disclose a door closer which is relatively more complex, both in structure and operation, from Applicant's door closer as claimed in combination with an associated door assembly. Each of the Tutikawa and Anderson door closers require multiple concentrically disposed

SN 10/807,021
P-2528

chambers with complicated means designed to control the rate of closing of the associated door upon the release thereof.

Accordingly, it is submitted that the claims, as amended and presented herein, clearly patentably define over the references cited and/or as applied by the Examiner to formulate the rejections of the claims.

In view of the foregoing remarks, reconsideration of the application is requested and a prompt notice of an allowance is earnestly solicited.

Applicant does not believe that any additional claim fee or other fees are due. However, if any fee is required, it can be charged to the undersigned counsel's Deposit Account No. 06-0250.

Respectfully submitted,



ARTHUR T. FATTIBENE,
Attorney for Applicant
2480 Post Road
Southport, CT 06890
Reg. No. 17,804
Phone: 203-255-4400;
Fax: 203-259-0033